IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 13339 of 2004

Between:

M/s. Akash Cable Net Work Private Limited, Nellore, Rep. by its General Manager, Sri P. Siva Kumar Reddy, S/o. Subba Reddy, aged 45 Years, Business, R/o.603 Dega Towers, Raj Bhavan Road, Hyderabad.

..... PETITIONER

AND

1 The District Collector, Nellore.
2 The Joint Collector, Collectorate, Nellore.
3 Chatta Malli Karjuna Rao, Gemini and Teja Distributor,
Akash Net Work, Shop No.F.11, Saileela Complex, Beside Baseta Cakes, Trunk Road, Nellore.
4 Sri Raj Rajeshwari Channel, Radhakrishna Towers, Opp. to DSR,
Government Hqs, Hospital, Dargamitta, Nellore.
5 Shivabhi Channel, Gudur, Nellore District.
6 Vigneswara Cable New Work, Kavali, Nellore District.
7 Sri Subba Rao, Maa Distributor, Nellore.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly Writ of Mandamus directing the respondents 1 and 2 not to interfere with the Cable New Work business of Petitioner in Nellore Division under the guise of order of High Court in W.P.No.8693 of 2004 dt.150-6-2004, without assigning any reason or opportunity to petitioner and the instance of respondents 4 to 6.

Counsel for the Petitioner: MR.M.N.NARASIMHA REDDY, Advocate.

Counsel for the Respondents 1&2: Govt. Pleader FOR REVENUE.

The Court at the stage of admission made the following:

Oral Order:

Some of the cable net work operators filed W.P.No.8693 of 2004 before this Court for a Mandamus to declare the action of the respondents therein for not providing decoders, sim cards and signals to the petitioners to transmit Gemini and Teja channels to its subscribers as illegal and unjust and contrary to the law and for a consequential direction to the respondents to provide decoders, sim cards and signals to the petitioners to transmit Gemini and Teja channels to its subscribers. The said writ petition was disposed of by an order dated 15-06-2004 observing that petitioners admittedly initiated proceedings before the Monopolies and Restrictive Trade Practice Commission, New Delhi Consumer Forum and Criminal Courts and the proceedings are pending at different stages. In view of the same, no relief can be granted, but as the petitioners made a representation to the Collector on 06-09-2003, which was forwarded to the Deputy Executive Information Engineer, Nalgonda for taking necessary action in accordance with the provisions of Cable Television Networks Act, 1995, the said representation was directed to be disposed of in accordance with law.

The grievance of the petitioner now is that under the guise of order passed by this Court in the above said writ petition respondents 1 and 2 without considering the objections raised by the petitioners therein issued notice to the petitioner herein on 20-07-2004 directing to appear before his chambers on 21-07-2004 and orally instructed to supply the decoders, sim cards and signals to transmit the Gemini, Teja and MAA Channels, but no written order was passed. It is the case of the petitioner that it is bound by the agreement and if the decoders, sim cards and signals are given to outsiders, petitioner will be put to irreparable injury and hardship and it has not violated any condition or regulation as contemplated under Cable Television Net Work (Regulation) Act, 1995.

This Court while disposing of the above writ petition only directed to dispose of the representation said to have been made by the petitioners therein. In view of the same, respondents 1 and 2 are under obligation to consider all the objections raised by the petitioners including the jurisdiction of the respondents 1 and 2 to interfere in the matter. As per the statutory provisions, only on giving reasonable opportunity to the petitioner necessary orders should be passed. Till a speaking order is passed respondents 1 and 2 cannot interfere with the petitioner's cable net work business nor can insist for providing decoders, sim cards and signals for transmission in favour of persons whose representation is directed to be disposed of.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Nellore.
2 The Joint Collector, Collectorate, Nellore.
3. Two CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

4.Two CD copies.